

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME TO FILE
SUGGESTIONS IN OPPOSITION TO REAL TIME RESOLUTIONS, INC.'S MOTION
TO DISMISS PLAINTIFFS' SEVENTH AMENDED COMPLAINT (DOC. NO. 325)**

Plaintiffs respectfully move the Court for an Order extending the deadline by which Plaintiffs must file their Suggestions in Opposition to *Real Time Resolutions, Inc.'s Motion to Dismiss Plaintiffs' Seventh Amended Complaint* (Doc. No. 325), through August 17, 2011. In support of this motion, Plaintiffs state as follows:

1. On June 24, 2011, Plaintiffs and Defendants U.S. Bank National Association ND, Wilmington Trust Company in its individual and trustee capacities, Empire Funding Home Loan Owner Trust 1998-1, Empire Funding Grantor Trust 1998-1, Empire Funding Home Loan Owner Trust 1999-1, and Empire Funding Grantor Trust 1999-1 (collectively the "Moving Defendants") filed a Joint Motion for Stay, notifying the Court that Plaintiffs and the Moving Defendants had reached a settlement (the "Settlement") of the claims relating to a number of loans at issue in this case, including, but not limited to, any claims against Defendant Real Time Resolutions, Inc. ("Real Time") based on loans held or acquired by the Moving Defendants. (Doc. 324).

2. Three days later, on June 27, 2011, Real Time filed its *Motion to Dismiss Plaintiffs' Seventh Amended Complaint* (Doc. No. 325) ("Motion to Dismiss").

3. On June 28, 2011, the Court entered an Order staying all "[p]roceedings with respect to [the Moving Defendants, as well as any] claims against ... Real Time Resolutions, Inc. based on loans held or acquired by the Moving Defendants."

4. There is a distinct possibility that all of the Missouri second mortgage loans for which Real Time has been sued in this action (and which are the subject of Real Time's Motion to Dismiss] were in fact held or acquired by the Moving Defendants, and thus, subject to the Stay Order. If that is the case, then Real Time's Motion to Dismiss should be stayed (or dismissed as stayed) per the Court's Stay Order.

5. To date, Plaintiffs and Real Time has confirmed that all but 2 or 3 of the Missouri second mortgage loans for which Real Time has been sued in this action were held or acquired by the Moving Defendants. The parties have yet to confirm whether the remaining 2 or 3 loans were likewise held or acquired by the Moving Defendants, and are thus subject to the Stay. The parties respectfully suggest that the Court allow them additional time to make that determination as the parties' findings may obviate the need for the Court to resolve Real Time's Motion.

6. Accordingly, Plaintiffs request additional time, in order to determine the status of the remaining 2-3 loans mentioned above.

7. Plaintiffs' Suggestions in Opposition to the Motion to Dismiss are currently due on August 3, 2011. (Doc. 336). Plaintiffs believe that fourteen (14) additional days will be sufficient to determine the status of the remaining loans and to either: (a) apprise the Court that Real Time's Motion to Dismiss should be stayed (or dismissed as stayed); or (b) file their Suggestions in Opposition to Real Time's Motion to Dismiss if necessary.

8. Plaintiffs have communicated with counsel for Real Time, who states that Real Time does not oppose the requested extension.

9. The instant request to extend the deadline is made in good faith, not for the purpose of delay, and will not prejudice any party.

10. The requested extension will not adversely affect any of the other scheduling or trial deadlines.

WHEREFORE, Plaintiffs respectfully request the Court enter an Order extending the deadline by which Plaintiffs must file their Suggestions in Opposition to *Real Time Resolutions, Inc.'s Motion to Dismiss Plaintiffs' Seventh Amended Complaint* (Doc. No. 325), through August 17, 2011, and for any other relief that the Court deems just and proper.

Date: August 1, 2011

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 1 day of August 2011, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants.

/s/ Bruce V. Nguyen